

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

HILDA L. SOLIS, ¹ Secretary of Labor,)	
United States Department of Labor,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-08-903-D
)	
LOCAL 886, INTERNATIONAL)	
BROTHERHOOD OF TEAMSTERS,)	
)	
Defendant.)	

CONSENT DECREE AND ORDER

The Plaintiff, Hilda L. Solis, Secretary of Labor, United States Department of Labor (“Secretary” or “Plaintiff”), and the Defendant, Local 886 of the International Brotherhood of Teamsters (“Local 886” or “Defendant”), by and through their respective counsel, hereby stipulate and agree to this Consent Decree as follows:

1. This action was brought by the Secretary pursuant to Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as amended, 29 U.S.C. §§ 401, *et seq.* (the “Act”), for the purpose of setting aside the results of the October 9, 2007 election of secretary/treasurer and one trustee conducted by Local 886 and requesting a new election under the supervision of the Secretary of Labor.
2. Plaintiff initiated this action after an investigation by the Office of Labor Management Standards determined that:

¹ Pursuant to Fed. R. Civ. P. 25(d), Hilda L. Solis is automatically substituted for Elaine L. Chao.

- a. Local 886 violated section 401(e) of the Act by denying members in good standing their right to vote by failing to mail an election notice and ballot to a member, failing to mail duplicate ballots to members who requested such ballots, and by improperly declaring ballots cast by eligible members invalid;
 - b. Local 886 violated sections 401(c) and 401e) of the Act by not instituting adequate safeguards, restricting candidates and observers from observing and challenging eligibility, which resulted in ineligible members voting in violation of the Teamsters International Constitution; and
 - c. Local 886 violated section 401(c) of the Act by not instituting adequate safeguards by restricting candidates and observers from observing the ballot tally process resulting in an improper ballot count.
3. Defendant denies that it so violated the Act.
4. The parties, in settlement of this action, hereby stipulate and agree that Defendant shall conduct, under the supervision of the Secretary of Labor, new nominations and a new election for all Local 886 offices by October 31, 2010.
5. The parties agree that the supervised election shall be conducted in accordance with Title IV of the Act, 29 U.S.C. §§ 481, *et seq.*, and, insofar as lawful and practicable, in accordance with the provisions of the Teamsters International Constitution (“Constitution”) and the Bylaws of Local 886 (“Bylaws”).
6. All decisions as to the interpretation or application of Title IV of the Act, the Teamsters International Constitution and/or the Bylaws of Local 886 are to be determined by the Secretary and her decision shall be final.

7. The Court shall retain jurisdiction of this action after completion of the supervised election and throughout the certification process. The Secretary shall certify to the Court the names of the persons so elected, that such election was conducted in accordance with Title IV of the Act, and, insofar as lawful and practical, in accordance with the provisions of the Teamsters International Constitution and the Bylaws of Local 886.
8. Upon approval of such certification, the Court shall enter a Judgment declaring that such persons have been elected as shown by such certification to serve as the duly elected officers of Local 886 for a three (3) year term of office and further providing that each party shall bear its own costs, including attorney's fees, costs and other expenses incurred by such party in connection with any stage of this proceeding.

Respectfully submitted,

Signed and agreed to this the 3rd day of December, 2009.

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Signed and agreed to this the 2nd day of December, 2009.

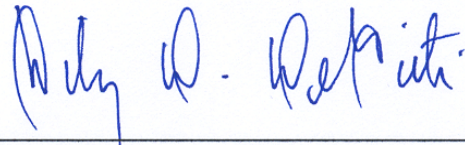
s/ George J. McCaffrey
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The Consent Decree is adopted as submitted by the parties in this matter.

It is so ORDERED.

SIGNED AND ENTERED this 8th day of December, 2009.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE